

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CITIMORTGAGE, INC.,

Case No. 15-CV-1870 (PJS/TNL)

Plaintiff,

v.

ORDER

PAUL ERNEST SELLORS, DANIEL
HUBBARD, and MARGARET
HUBBARD,

Defendants.

Thomas J. Lallier, FOLEY & MANSFIELD, PLLP, for plaintiff.

Daniel Hubbard, pro se.

This matter is before the Court on defendant Daniel Hubbard's objection to the June 14, 2018, Report and Recommendation ("R&R") of Magistrate Judge Tony N. Leung. Judge Leung recommends granting in (small) part and denying in (large) part plaintiff CitiMortgage, Inc.'s motion to determine damages. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules Hubbard's objection and adopts the R&R.

Hubbard's objection mostly consists of various frivolous legal arguments, including arguments rejected as frivolous by the Eighth Circuit over three decades ago. *See, e.g., United States v. Hart*, 701 F.2d 749, 750 (8th Cir. 1983) (per curiam)

(characterizing as frivolous an appeal challenging a district court's jurisdiction over a "sovereign citizen"). As Judge Leung mentions, much of Hubbard's brief consists of text that he appears to have cut and pasted from the Internet, without understanding (or caring) that the text has nothing to do with this case.

Only one matter merits comment: Hubbard states that "[he] informed this Court and provided a notice of appeal" and alleges that the Court "violated [his] due process rights [by] fail[ing] to process [his] appeal within a timely fashion." ECF No. 130 at 13. Hubbard is incorrect. A partial judgment was entered against Hubbard on December 14, 2017. ECF No. 121. Hubbard did not file a notice of appeal from that judgment. Final judgment will now be entered against Hubbard. Hubbard is free to appeal that judgment (and ask the Eighth Circuit to review any of this Court's rulings) by filing a notice of appeal in compliance with the Federal Rules of Appellate Procedure.

ORDER

Based on all of the files, records, and proceedings herein, the Court **OVERRULES** Hubbard's objection [ECF No. 130] and **ADOPTS** the R&R [ECF No. 129]. Accordingly, **IT IS HEREBY ORDERED THAT** plaintiff's motion to determine damages [ECF No. 123] is **GRANTED IN PART** and **DENIED IN PART** as follows: Plaintiff CitiMortgage, Inc.,

is awarded a total of \$403.00 against defendants Paul Ernest Sellors, Daniel Hubbard, and Margaret Hubbard, jointly and severally.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 13, 2018

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge